

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPARTECH CMD, LLC d/b/a SPARTECH
COLOR AND SPECIALTY COMPOUNDS

Plaintiff,

CASE NUMBER: 08-13234
HONORABLE VICTORIA A. ROBERTS

v.

INTERNATIONAL AUTOMOTIVE
COMPONENTS GROUP NORTH AMERICA, INC.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION FOR RECONSIDERATION

On February 23, 2009, the Court entered its Order Denying in Part and Granting in Part Plaintiff's Motion to Enjoin Arbitration, and Denying Defendant's Motion to Dismiss (Doc. #25). The Court held that disputes concerning Purchase Orders ("PO #s") 251050, 193836, 216910 and 243934 were to be resolved by arbitration, and stayed all litigation concerning these contracts. At the same time, the Court held that Defendant did not provide Plaintiff with a copy of its Terms and Conditions for PO #133452. Since the duty to arbitrate arose from a clause contained in Defendant's Terms, the Court held that PO #133452 was not subject to arbitration.

On March 9, Defendant filed a Motion for Reconsideration and Rehearing (Doc. #26), arguing that PO #133452 should not be treated differently. Defendant claims the Court erred in finding that Plaintiff did not receive a copy of Defendant's Terms with PO #133452. In fact, Defendant asserts, it provided its Terms to Plaintiff for every order.

Plaintiff responded to Defendant's motion and confirmed it received the terms and conditions for PO #133452.

Accordingly, the Court **GRANTS** Defendant's Motion for Reconsideration; Plaintiff's Motion to Enjoin Arbitration is **DENIED** in its entirety. Since the only reason the Court denied Defendant's Motion to Dismiss was because it erroneously believed that PO #133452 could not be referred to arbitration, the Motion to Dismiss is now **GRANTED** as well.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 15, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 15, 2009.

s/Carol A. Pinegar
Deputy Clerk